

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

SAM MCFARLAND,

Case No. 3:21-cv-00294-MMD-CSD

Plaintiff,

ORDER

v.

GREGORY BRYAN,

Defendant.

The Complaint in this action was filed on July 8, 2021. (ECF No. 1-1.) On September 12, 2022, the Court issued a notice of intent to dismiss Defendant Gregory Bryan under Fed. R. Civ. P. 4(m) unless proof of service was filed by October 12, 2022. (ECF No. 23.) United States Magistrate Judge Craig S. Denney granted McFarland an extension to complete service by December 16, 2022, and directed the U.S. Marshal Service to serve Bryan. (ECF No. 26.) Judge Denney cautioned McFarland that no further extensions, barring unforeseen and extenuating circumstances, will be granted.<sup>1</sup> (*Id.*) The summons was returned unexecuted. (ECF No. 28.) To date, no proof of service for Bryan has been filed. Accordingly, it is ordered that the claims against Bryan are dismissed without prejudice. As Bryan is the only remaining Defendant<sup>2</sup> after screening (ECF No. 3), the Clerk of Court is directed to enter judgment accordingly and close this case.

DATED THIS 22<sup>nd</sup> Day of December 2022.

  
MIRANDA M. DU  
CHIEF UNITED STATES DISTRICT JUDGE

<sup>1</sup>McFarland requested another extension on December 16, 2022, which was denied by Judge Denney because the U.S. Marshal had already attempted and failed to serve Bryan at the address McFarland provided. (ECF Nos. 18, 20, 22, 33, 34.)

<sup>2</sup>The NDOC is only listed as an Interested Party in the case. (ECF No. 31.)